

N<sup>o</sup> 4. *The CRAFTSMAN.* 17

“Serenity, Gladness, and good Humour. It is very  
 “pleasant to the Palate, and may be taken without  
 “the Knowledge of the most intimate Friend, Ac-  
 “quaintance, or Bedfellow. To be had *only* of the  
 “Inventor himself, Doctor ROBERT KING, (who  
 “has obtained a Patent for the *sole* vending thereof)  
 “at his own House over against *Arlington-street* in  
 “*Piccadilly*; where he is to be advised with, in these  
 “Distempers, every Morning from *Eight* till *Twelve*,  
 “and at no other Times, unless it be upon very ex-  
 “traordinary Occasions.

N. B. *Any Person, by applying to the Doctor, at the Place aforesaid, may be farther satisfied of the Virtues of this excellent Medicine, and of several great Cures which it has perform'd, with the Names of Persons, who are ready to testify the Truth of them, and Directions where they may be spoken with.* A.



N<sup>o</sup> 4. *Friday, December 16.*

*Res nova & insueta, supplicia de studiis sumi. Bono hercule publico, ista in pœnas ingeniosa crudelitas post Ciceronem inventa est. Quid enim futurum fuit, si Triumviris libuisset ingenium Ciceronis proscribere? Dii melius, quod eo sæculo ista ingeniorum supplicia cæperunt, quo & ingenia desierunt.*



HAVING endeavoured, in a former Paper, to state the true Nature and proper Extent of the *Liberty of the Press*, or the *Freedom* of speaking and publishing our *Thoughts*; I shall now proceed, in the same succinct Manner, to prove that such a *Liberty*, as is there defined, has been a-

greeable to the Sentiments and Practices of all great and good Men in every Age and every Nation.

The *Holy Scriptures*, which are not only the most *authentick*, but also the most *ancient* Writings now extant in the World, abound with Instances, where the utmost Freedom is used in chastising the Vices and Iniquities of those Times. It is the immediate Direction of God himself to one of his Prophets, *to cry aloud, and spare not; to lift up his Voice like a Trumpet, and shew his People their Transgressions, and the House of Jacob their Sins.*

The *Gracians* were so far from having any Notion of restraining the *Freedom of Speech* on any Occasions, that they seem to have allowed an unjustifiable Latitude, and even Licentiousness in their publick Debates; as might be amply proved from the Writings of that great Father of Oratory *Demosthenes* himself; who, in many Passages of his *Philippick Orations*, descends to such Appellations and Forms of Expression, as would be esteem'd, in this Age, meer *Billingsgate* and Scurrility. The coarse Language, which *Homer* puts into the Mouths of his *favourite Heroes*, and sometimes even of his *Gods* themselves, is a full Confirmation of the *Liberty* of those Times; which I shall not therefore endeavour to prove any farther in this place, because it will be mentioned hereafter with more Propriety, and the Sanction of much better Authority than mine.

If we come to the *Romans*, we shall find them in the full Possession of this *Liberty* for several Ages; which they enjoy'd not only in Theory and Speculation, but in Practice and Reality; not only the Appearance and outward Shew of it, but the Substance and the Thing itself, in its full Extent, without any Limitations or Restrictions; without any of those Clogs and Refinements, which are the Inventions of later Times. I say they enjoyed it for several Ages; because when Corruption, Luxury, and Libertinism began.

gan to prevail amongst them, they also lost it ; which was the Forerunner, as it constantly will be in every Government, of the Subversion of their Constitution, and the Loss of all their other Liberties.

We are informed by *Tacitus*, that *Augustus* was the first Person in *Rome*, who took Cognizance of *scandalous Libels*, under colour, and by a forced construction of the *Lex Majestatis* ; being provoked to this Method of Proceeding by the licentious Behaviour of *Cassius Severus*, who had traduced several illustrious Persons, of both Sexes, in his satirical Writings ; and that afterwards *Tiberius* fell into the same Practices ; exasperated, in like manner, by some Lampoons, which were published against his *Pride* and *Cruelty*, by unknown Authors.

This *Lex Majestatis* was a sort of Law against *High Treason* ; which, *Tacitus* observes, bore the *same Title* in former Times ; but that it was then put in Execution against other kind of Offences, such as betraying the *Army*, sowing *Sedition*, or lessening the Majesty of the *Roman People* by *Male-Administration*. *Actions*, says he, were condemn'd, but *Words* went unpunished.

From hence we may perceive the evil Consequences of bad *Precedents*, and the Danger of departing, in any Degree, from the original Intention of *Penal Statutes* ; for this Procedure of *Augustus*, in straining a Law, which was design'd only against *Actions*, to the Punishment even of the *worst kind of Writings*, paved the way for his next Successor to prosecute the most *innocent Books*, and destroy entirely that *just Liberty*, which is the greatest Blessing of a free People.

As this Method of condemning Books and punishing Authors became a frequent Practice in succeeding Reigns, so it gave Birth to that beautiful Reflection of *Seneca*, which I have chosen for my Motto to this Paper, and may be translated, for the Use of my *English Readers*, in this Manner. *The Punishment of*  
learned

*learned Men, says he, was a new and unusual Thing. Happy was it for the Publick, that these cruel Penalties upon Learning were invented after Tully's Death; for what would have been the Consequence, if the Triumvirate had thought fit to banish the Works of Cicero? The Gods more wisely ordained, that such Methods of punishing ingenious Men should begin in that Age, when Genius itself should cease in the World.*

If we descend to later Ages, we shall constantly observe, upon a strict Review of the Histories of all Nations, that *Liberty* in general has always flourished in the greatest Perfection, where the Liberty of *Writing* has been most encouraged; and when this Freedom declines by any Checks put upon the *Press*, that Tyranny and Servitude increase in Proportion; for which Reason, those Persons who, in any Age, have been the Patrons of *Popular Liberty*, have always been the Champions of the Freedom of the *Press*; which was never restrained but in order to serve some bad Design, in wicked Reigns, or under corrupt Administrations,

What glorious Complaints and Remonstrances did our Forefathers make against the cruel and arbitrary Proceedings of the *Star-Chamber* and *High-Commission Courts*? How did the *Whigs* of old exclaim against several Prosecutions in the Reigns of King *Charles* and King *James* the Second? Who has not heard of the great Mr. *Sydney's Case*? And who, that has the least notion of *Liberty*, does not abhor the Proceedings against him? which seem to be of the same nature with those set on foot under *Augustus* and *Tiberius*, by construing *private Writings* into *Overt-acts*, and punishing them by the Laws against *High Treason*. *Scribere est agere*, will always be esteem'd, by Men of Sense and Probity, as a most unjust, arbitrary and tyrannical Interpretation.

But, to come yet nearer to our own times, and to Instances, which almost every Man living may re-  
mem-

member. — How strenuously did the whole Body of *Whigs* contend for the *Liberty of the Press* at the latter end of the late Reign? And how boldly did they put it in Practice? What a *bold* stand did Sir *Richard Steele* make against the Proceedings of those *Times*, in his *political Writings*? With what unusual Freedom were the Characters and Conduct of the greatest Persons set forth in the *Medley* and *High-German Doctor*? And what a multitude of Books, Pamphlets and Papers, to the same purpose, were published at that juncture? Every Body knows *who* were the Patrons and Encouragers of those Writings; and *who* have since rewarded the Authors of them; which, however disguised under *Fable* and *Allegory*, would not have escaped in some Reigns. But I must do the Persons then in Power the justice to own, that they generally suffered these Writings to be published with Impunity, and contented themselves with applying Argument to Argument, and answering one piece of *Wit* or *Satire* with another. The only instances of any Severity, which we meet with, are burning the Bishop of *St. Asaph's* immortal *Preface*, and expelling Sir *Richard Steele* out of the *House of Commons*; but we meet with no grievous Imprisonments, no expensive Prosecutions, or burthensome Fines, in the History of that Administration.

In the Case of Sir *Richard Steele*, I observe with pleasure some of the *greatest Names* now in the Kingdom, who appear on the List of his Friends as publick Assertors of the Liberty of *Writing*, by voting with the Minority against his *Expulsion*.

The present most excellent Bishop of *Sarum* has been, for many Years, a zealous Advocate for the *Freedom of Debate* and *Liberty of writing* on all Subjects, both *religious* and *political*; and has not only exercised it himself, in the most unwearied manner, for the Service of his Country, but has constantly pleaded for the same Right in others, and will.

I doubt not, resume this glorious Topick, when ever there is a proper Occasion.

We are, at present, in no danger of seeing it abridged. Those at the Helm were Friends to this Privilege *before* they were in Power, and have done nothing *since* to make them afraid of it. But if any Minister for the future, either in this or any other Nation, should attempt to destroy it by indirect Methods of punishing Writers, I shall offer only one Argument to dissuade Him from it, *viz.* that it is not his *Interest*; for let Him punish an Author ever so severely, it will in no measure depreciate his Writings, but on the contrary add to their Value, and give them more Authority. Besides, a Man, who has determined to sacrifice his Interest so far as to write against *Men in Power*, ought to have Resolution enough to suffer any unjust Punishment, which They can inflict. It becomes only the awkward Politicks of *Monks* and *Pedants*, to think of suppressing Truth and discrediting a Man's Writings, or deterring an Author, conscious of his Innocence, from proceeding in his Studies, by arbitrary Penalties, Censures and Prohibitions. I cannot illustrate this Point better, nor conclude this Subject more properly, than by a Passage out of the *Roman* History, as it is recorded by the same excellent Writer before-mentioned, in the Life of *Tiberius*.

He tells us, "That, in the Consulship of *Cornelius Cossus* and *Asinius Agrippa*, *Cremutius Cordus* was indicted for a new and till then unheard-of Crime, *viz.* that in some *Annals*, which he had published, he had spoken in praise of *Marcus Brutus*, and said that *Caius Cassius* was the LAST ROMAN. *Satrius Secundus* and *Pinarius Natta*, two Creatures of *Sejanus*, were his Accusers; which was a bad Omen to the Criminal; and besides, the Emperor himself heard his Defence with a wrathful Countenance; which *Cremutius*, having given over all hopes of Life, began in this Manner.

F A

FATHERS,

**M**Y Words only are called in Question; which is a certain Sign that my *Actions* are innocent. But neither do my Words relate either to the *Emperor*, or the *Emperor's Mother*, and therefore not within the Law of *High Treason*. I am charged with having spoken in commendation of *Brutus* and *Cassius*; whose *Actions* a multitude of Authors have related, and none of them have mentioned without Honour. *Livy*, the most famous of all Historians, both for Eloquence and Veracity, extoll'd *Pompey* in so lofty a Manner, that *Augustus* used to call him *Pompeianus*; nor was this any Bar to their future Friendship. He no where mentions *Scipio* and *Afranius*, nor even this very *Cassius* and *Brutus* as *Robbers* and *Parricides*, which are now grown fashionable Terms; but often gives them the Title of great and eminent Men. The Writings of *Asinius Pollio* make worthy mention of the same Persons; and *Messala Corvinus* called *Cassius* his General; yet both of These flourished in Wealth and Honours. In what other Manner did *Cæsar*, when *Dictator*, treat that Book of *Cicero*, in which he makes *Cato* equal to the Gods, but by endeavouring to answer it in an *Oration*, and appealing to the World for the Justice of his Cause? The Letters of *Antony*, and the Speeches of *Brutus* contain a great many bitter and undeserved Reproaches upon *Augustus*. The Verses of *Bibaculus* and *Catullus*, which are stuffed with Reflections upon the *Cæsars*, are still read. But even divine *Julius* and *Augustus* themselves suffered these things, and past them over with Impunity; whether more out of *Moderation* or *Prudence*, is not easy to determine; for such things die of themselves, when despised; whereas Resentment is a tacit Confession of Guilt. I shall not mention the *Grecians*; amongst whom not only *Liberty*, but even *Licentiousness* met with Indemnity;

demnity ; or, if any one took Offence at it, he revenged *Words* with *Words only*. But it was always more particularly allowable for any Man to speak with the utmost freedom of Those, whom Death had exempted from the Power either of Hatred or Favour. Do I endeavour, by my Writings, to stir up the People to Sedition and Civil War, whilst *Brutus* and *Cassius* are actually in Arms and encamped on the Plains of *Philippi*? Or have they not been dead above these seventy Years ; so that they are known only by their Statues, which even the Conqueror has not defaced ; or by that faint Resemblance, which is to be found in the Works of Historians? Posterity gives to every Man the Praise which he deserves ; nor will there be wanting Those, who, if I am condemned, will not only remember *Brutus* and *Cassius*, but ME also?

“ Having finished his Speech, he went out of the  
 “ Senate, and put an End to his Life by *Abstinence*.  
 “ The Fathers ordered his Books to be burnt by the  
 “ *Ædiles* ; notwithstanding which, they remained  
 “ in private Hands, and were secretly dispersed.  
 “ From whence, says the *Historian*, we may judge  
 “ of the ridiculous Folly of Those, who imagine, by  
 “ present Power, to extinguish even the Memory of  
 “ succeeding Ages ; whereas, on the contrary, the  
 “ Prosecution of ingenious Books gives them greater  
 “ Authority ; nor have either foreign Tyrants, or  
 “ Those, who have exercised the same kind of Severity amongst us, gain'd any thing but *Infamy* to  
 “ Themselves, and *Glory* to Those, whom they have  
 “ punished. D.



Monday,